

10/25/01

FACT SHEET

REMOVAL OF DIRECT FINAL REVISION TO THE OPERATING PERMIT RULES - COMPLIANCE CERTIFICATION REQUIREMENTS

TODAY'S ACTION

- The Environmental Protection Agency (EPA) is taking action to remove the direct final rule amending the state and federal operating permits rules before it is published in the Code of Federal Regulations.

BACKGROUND

- On October 29, 1999, the United States Circuit Court of Appeals remanded back to EPA the Agency's final operating permits program compliance certification requirements. The court ruled that these requirements did not address whether the affected facility has been in continuous or intermittent compliance.
- EPA took direct final action on March 1, 2001 to amend the State and Federal Operating Permits Programs. This amendment, required permitted facilities to identify whether their compliance during the reporting period was continuous or intermittent. The Agency stated that it would publish a timely withdrawal in the Federal Register if the Agency received adverse comment by April 2, 2001.
- EPA received adverse comments on that direct final action. However, due to an administrative error, EPA did not withdraw the March 2001 direct final rule amendments prior to the April 30, 2001 effective date.
- Consequently, EPA is taking today's action to remove the amendments from the Code of Federal Regulations. EPA will address the comments received in a final action based on a parallel proposal that was also published on March 1, 2001. There will not be a second comment period on this action.

EFFECT OF THE REMOVAL

- ! This action means that the amendments which became effective on April 30, 2001, are removed and no longer apply. EPA will address all public comments in a subsequent final action on the parallel proposed rule amendment.

FOR MORE INFORMATION...

- ! Interested parties can download the removal action from EPA's web site on the Internet under recent actions at the following addresses: <http://www.epa.gov/ttn/oarpg> and <http://www.epa.gov/ttn/emc> . For further information about the rulemaking, contact Peter Westlin at EPA's Office of Air Quality Planning and Standards at (919) 541-1058.

- ! EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on many air pollution programs and issues. The Office of Air and Radiation's homepage address is: <http://www.epa.gov/air/>.